

DECISION



23822
THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

FILE: B-210111

DATE: January 3, 1983

MATTER OF: Thunderbird Products Corporation

DIGEST:

Protest of unduly restrictive bond requirement in solicitation is dismissed as untimely since it was not filed before bid opening.

Thunderbird Products Corporation protests the performance bond requirement under invitation for bid No. N00024-82-B-2278, issued by the Naval Sea Systems Command for landing craft personnel large (LCPL) boats. We dismiss the protest.

The Navy informally advises us that bids were opened at 2:00 p.m. on December 8, 1982 in Washington, D.C. Subsequently, Thunderbird filed its protest with our Office, contending that a required performance bond was unduly restrictive.

Our Bid Protest Procedures provide that protests of alleged improprieties in a solicitation which are apparent prior to bid opening must be filed in our Office prior to that date. 4 C.F.R. § 21.2(b)(1)(1982). The term "filed" is defined in 4 C.F.R. § 21.2(b)(3) as "receipt in the contracting agency or in the General Accounting Office as the case may be." Thus, our Office has held that protests against inclusion of bond requirements in a solicitation are untimely unless received in this Office prior to bid opening. Edward E. Davis Contracting, Inc., January 13, 1981, 81-1 CPD 20.

In this case, Thunderbird's protest was not received in our Office until after bid opening. Consequently, it is untimely and not for consideration on the merits.

The protest is dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel

024291